REMARKS

This communication responds to the Final Office Action mailed on December 28, 2009. Claims 1, 10, 18 and 22 are amended, no claims are canceled, and no claims are added in this communication. As a result, claims 1-24 are now pending in this application.

The Rejection of Claims Under § 102

Claims 1-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sacks (U.S. Publication No. 2002/0016765). Because a proper *prima facie* case of anticipation has not been established, this rejection is respectfully traversed.

The independent claims 1, 10, 18 and 22 have been amended for clarity, and not for reasons related to patentability. This amendment is fully supported by FIG. 1 of the Application and corresponding language in the Specification, e.g., paragraphs 0020 and 0023.

The Application differentiates between a client 102, a merchant server 108, and an online payment server 110. The Application expressly discloses that a shopping cart is hosted by a merchant server 108. (See e.g., FIG.1 and paragraphs 0018-0021 of the Application).

Independent claim 1:

First, it is respectfully submitted that Sacks does not disclose the feature of **"receiving ...... detailed information concerning one or more items placed in a virtual shopping cart hosted by a seller web site"** as recited in independent claim 1.

No portion of Sacks was found that discloses a shopping cart hosted by the seller's site 104. Sacks differentiates between a buyer 102, a seller 104, and a payment processor 106 (a third party payment processor). (See e.g., FIG. 1 and paragraph 0019, 0020 and 0021 of Sacks). Sacks expressly discloses that a shopping cart is maintained by the payment processor 106, and not the seller's site. (See e.g., paragraphs 0028, 0032, 0034 and 0036).

Referring to e.g., paragraph 0028 of Sacks, the payment processor 106 of Sacks may provide a shopping cart to track the buyer's purchases, which permits the buyer 102 to change the quantity of an item, remove an item from the cart, initiate payment for the items, or return to the seller's site. Because the shopping cart of Sacks is maintained by the third party payment processor 106, it may be used for purchases or transactions involving multiple sellers 104. Also

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referring to e.g., FIG. 2 and paragraph 0034 of Sacks, the database 210 of the payment processor 200 (rather than the seller 104) stores buyer shopping carts.

Sacks thus does not disclose that the payment processor 106 receives buyer purchase information placed in a shopping cart hosted by the seller's site 104. Sacks thus cannot disclose the above quoted feature of "**receiving, from a shopping cart application, detailed information concerning one or more items placed in a virtual shopping cart hosted by a seller web site**" as recited in independent claim 1.

Second, Applicant also respectfully submits that Sacks does not disclose the feature of "**the detailed information being collected in the shopping cart prior to being sent from the seller web site to the online payment service ......**" as recited in amended independent claim 1.

As mentioned above, the shopping cart of Sacks is hosted by the payment processor 106 (rather than by the seller's site 104). Also referring to e.g., paragraph 0020 of Sacks,

> "When buyer 102 makes a product selection or otherwise agrees to the terms of a transaction with seller 104, he or she is redirected to payment processor 106. This redirection may occur, for example, when the buyer indicates a desire to consummate the transaction (e.g., to pay for a purchase or to checkout), selects a payment option, selects a link offered by the seller, etc."

Clearly, in Sacks, before the buyer 102 is redirected to the payment processor 106, the buyer purchase information is not collected in a shopping cart. The shopping cart of Sacks is maintained by the payment processor 106 (rather than the seller site 104).

Sacks thus cannot disclose the feature of "**the detailed information being collected in the shopping cart prior to being sent from the seller web site to the online payment service by the shopping cart application in response to a user request to proceed with a payment for the one or more items**" as recited in amended independent claim 1.

In summary, Sacks and independent claim 1 adopt different approaches. Sacks thus does not disclose each and every element of amended independent claim 1. Accordingly, Sacks does not anticipate amended independent claim 1 (as well as its dependent claims).

<u>Independent claims 10, 18 and 22:</u>

The previous argument presented with respect to amended independent claim 1 also applies to amended independent claims 10, 18 and 22, which have features similar to amended

independent claim 1. Sacks thus does not anticipate amended independent claims 10, 18 and 22 (or their dependent claims).

Withdrawal and reconsideration of the rejection of claims 1-24 under 35 U.S.C. § 102(b) is thus respectfully requested.

CONCLUSION

It is respectfully urged that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6966 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this __28__ day of January, 2010.

Nicole Jack
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